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## THE TRIAL OF THE ANARCHIST MURDERER CZOLGOSZ.

President McKinley was shot at the Pan American Exposition, in Buffalo, N. Y., about four o'clock in the afternoon of September 6th, 1901. It was in the beautiful Temple of Music, where the President was giving his hand to every one, without distinction, and without the thought that any one could harbor such malice against him. He died in the early hours of September 14th. The assassin, Leon F. Czolgosz, alias Fred R. Nieman, was arrested, indicted, tried and on September 24th, was convicted by the jury of murder in the first degree, after a trial very remarkable in many of its features, and which, in spite of its swift meting out of justice to the accused, was conducted in the most dignified and seemly manner. Under the law of the State of New York, a person condemned to death cannot be executed for at least one month after the sentence of death is pronounced upon him. On September 26th, the sentence of the Court was pronounced upon Czolgosz, that in the week beginning on the 28th of October, 1901, at the place, in the manner and by the means prescribed by law, he suffer the punishment of death. The time of execution was at any hour during the week following the 28th of October; the manner of execution, as prescribed by law, was electrocution; the time was to be determined by the Warden of the State Prison at Auburn, where the prisoner was at once taken. On October 29th, 1901, Czolgosz was duly electrocuted in the electric chair at the State Prison at Auburn.

The horror inspired in the minds of the hundreds of thousands of people in Buffalo, as soon as the news of the bloody deed had swept through the city,—the intense rage of the thousands who were in sight or hearing of the pistol shots aimed at the distinguished guest of the occasion, might easily have found expression in the instant annihilation of the assassin by such a wave of righteous indignation as would have swept him from the face of the earth. Had this happened, how many are there who would not in their secret

souls have exulted? The justice of it, though rude, would have seemed to most of us to be altogether fitting. But the President, pierced by the murderous bullet, and lying writhing with pain in the arms of his horror stricken friends, evidently seeing the mass of guards who had instantly seized and thrown themselves upon the cruel wretch, said: "Let no man hurt him." At once the reign of law prevailed,—righteous passion gave way, and the miserable life of the slayer was spared to be weighed in the scales that turn only in obedience to the time-honored rules of orderly legal procedure, which safeguard the trial of the guilty and the innocent with rigid impartiality.

Czolgosz was removed from the Temple of Music, but not without difficulty. The police and the soldiers fairly fought their way through the mass of people to a carriage in which he was swiftly driven from the exposition grounds to police headquarters. Guards were everywhere around him, but less to prevent his escape, for that was impossible, than to protect him from the violence of maddened men. But no harm came to him,—none was offered, and he was soon placed in secure keeping to await the outcome of his infamous deed. If the President survived, the would-be assassin could be tried only for the crime of assault with intent to kill, the penalty for which was ten years' imprisonment. All deplored the total inadequacy of the punishment in this particular case, for such a crime.

The District Attorney of Erie County, Thomas Penney, thought it advisable to take no formal action against the murderer until the result of his act was definitely determined. So the world waited. The world was indeed deeply affected. From the rulers of almost every civilized nation came messages of condolence and regret. To them such an event had a deeper significance than the mere death of the President of a great power. It was a startling revelation of the dread possibility that lurked in every gathering of the people to do honor to their chief. If, in the great republican United States, the freest of all governments and the asylum of the oppressed, one could be inspired to strike a blow at its head in the cause of so-called liberty, what might not be expected as a constant menace in other countries where governmental rule bears more heavily upon the people? The world was shocked and waited the issue between life and death.

For eight days the President lived. Or, in the quaint language of the indictment which was subsequently found by the grand jury:

"He, the said William McKinley, from the said sixth day of September, in the year aforesaid, until the fourteenth day of September, in the same year aforesaid, in the city and county aforesaid, did languish and languishing did live; on which said last mentioned day he, the said William McKinley, of the said mortal wound did die."

The said "last mentioned day" was Saturday. On Sunday morning simple funeral services were held at the home of John G. Milburn, President of the Exposition, with whom President McKinley had stayed during his visit to Buffalo, and where he died. Afterwards the body was removed to the City Hall, where it lay in state while an opportunity was given to tens of thousands of the people to take a last look at the face of the President. On Monday the dead President, with his wife and relatives, the members of his cabinet accompanied by Theodore Roosevelt, the new President, with a committee of citizens of Buffalo, journeyed to Washington, where for a night he rested in the White House, the home of the Presidents, until the last stage of his journey to the grave was begun the following day, to Canton, Ohio.

At ten o'clock on Monday, the same day that saw the dead body of the President removed from Buffalo, Mr. Penney, the District Attorney, presented the evidence of the killing of President McKinley to the grand jury of the County Court of Erie County, which was then in session. Twenty-eight witnesses were before the grand jury giving evidence of the facts concerning the shooting of the President by Czolgosz, and his death from the effects of the gunshot wound. The examination was conducted with the utmost care and was full and complete. The case was then left for the consideration of the jury.

The grand jury found and reported to County Judge Emery, at 4.40 p. m., an indictment charging Czolgosz with the murder of the President in the first degree. An hour later Czolgosz was brought into court for arraignment, handcuffed to the wrist of a police officer, and surrounded by others. In accordance with a most ancient procedure, the prisoner, although under an indictment of the most high nature, could not be arraigned in irons, or any manner of shackles or bonds. (4 Blackstone Com. ch. 25, 323).

The handcuffs were removed from his wrists and he stood facing the court.

If any one has imagined the assassin of the President to be the typical anarchist murderer of desperate men, he would have been dis-

appointed at the sight of Czolgosz. He was of medium height and size, fair complexion and hair, with a face not bad, but rather simple and loutish in its expression. He would pass anywhere for a very ordinary country boy, with but little experience of the world.

When the hand-cuffs were removed, District-Attorney Penney said to him: "Czolgosz, have you got a lawyer?" He made a motion with his head, but said nothing. Again the District Attorney asked the question, and again the prisoner made no sign. He looked at Mr. Penney, giving him a simple stare.

"Czolgosz, you have been indicted for murder in the first degree. Do you want counsel to defend you?" The accused made no more sign than if he was deaf to the District Attorney's voice. "Czolgosz, look at me and answer," Mr. Penney insisted. But it was as if spoken to a wooden image.

Mr. Penney then said to the Court that as Czolgosz declined to answer he would suggest that counsel be assigned to defend the man, and to ascertain what he had better do on the plea to the indictment before arraignment. Judge Emery then asked the prisoner if he had counsel, but elicited no further reply than before. It had been generally understood by the bar of Buffalo, who were watching the proceedings with deepest interest, that Czolgosz would not employ any counsel of eminence, and if he selected an attorney to make his defence, or one should volunteer for that service, the trial of the accused upon a charge of such magnitude might develop into a mere pettifogging attempt to clear him upon some technicality or at most to make a display for the attorney's benefit.

The Bar Association of Erie County had considered this possibility and through its president, Adelbert Moot, had suggested to Judge Emery that it was of the utmost importance that the counsel assigned for the defence of Czolgosz, if it should become his duty to assign such counsel, should be men of such experience and of such a high sense of their professional obligations, that the highest traditions of the profession should be upheld and that the trial should be dignified, just and impartial. It was further suggested that Hon. Loran L. Lewis and Hon. Robert C. Titus, former justices of the Supreme Court of the State of New York, be requested to act. This suggestion was made without consultation with the judges named. No better names could have been mentioned, as each had been for many years in active practice, and for many years before their retirement from the bench, had been judges of the Supreme Court, the highest trial court in this State, and each had sat as an appellate

judge. Each was also in the full strength of vigorous intellect and knowledge of the law.

When it was apparent to Judge Emery that the prisoner before him would make no answer and that he had no counsel, he said to him: "Czolgosz, you have appeared for arraignment in Court without counsel. The law makes it the duty of the Court to assign counsel for you. The Bar Association of our county has considered the matter and has suggested the names of certain men of high character for such assignment. The Court has seriously considered the question, and after such consideration has concluded to follow the suggestions made by the association. The Court, therefore, assigns the Hon. Loran L. Lewis and the Hon. Robert C. Titus as your counsel."

The duty of appearing to defend the slayer of the President was naturally distasteful to the counsel assigned and they hesitated about accepting the appointment, but the duty they owed to the law, to the Court and to the accused was greater, and each of the distinguished counsel accepted the assignment, and faithfully and earnestly performed such services as the case required.

The following day Czolgosz was again brought into the County Court before Judge Emery for arraignment. Judge Lewis, one of the counsel who had been assigned to defend him, was there. Czolgosz maintained the same stolid, indifferent manner which he had borne on the previous day, and refused to answer the questions that were put to him. The District Attorney said to him: "Leon Czolgosz, you have been indicted by the grand jury of this county for murder in the first degree;" and then read the indictment to him. "How do you plead?" The prisoner made no reply. "Do you understand what I have read to you?" was asked. "Do you understand that you are charged with the crime of murder in the first degree?" "You can say yes or no." He stood mute.

Judge Lewis then addressing the Court, said that he had called upon the prisoner and had not been able to learn any wish upon his part as to the employment of counsel; that he appeared informally to enter a plea of not guilty for the defendant, the law requiring that such a plea should be entered under these circumstances. He reserved the right, however, after consultation with Judge Titus, who was then out of town, if they concluded not to make an application for the assignment of other counsel, to withdraw the plea of not guilty and interpose, if thought advisable, another plea in the case in the way of a demurrer to the indictment. Reserving this right, Judge Lewis entered the plea of not guilty for the defendant.

The contrast between this procedure and that which prevailed under the ancient common law of England is most marked. Then the prisoner could not employ counsel and none could be assigned to him. Standing mute, i. e., if when arraigned for felony, the prisoner made no answer at all, or answered foreign to the purpose, it was equivalent to a conviction, and he received the same judgment and execution as if he had been duly tried and convicted by a jury. (4 Blackstone, p. 325; Stat. 12, Geo. III. c. 20). Fearful penalties were inflicted upon him who would not plead his innocence, in the shape of severe bodily punishment, until he confessed the crime charged, or pleaded not guilty.

The judgment of penance for standing mute was as follows: "That the prisoner be remanded to the prison from whence he came, and put into a low dark chamber, and then laid on the bare floor, naked, unless when decency forbids. That there be placed upon his body as great a weight of iron as he could bear, and more; that he have no sustenance save only on the first day, three morsels of the worst bread; and, on the second day, three draughts of standing water, that should be nearest to the prison door; and in this situation this should be alternately his daily dish, till he died, or (as anciently the judgment ran) till he answered."

In the present case, as in all such cases in this era of humane treatment of suspected felons, every reasonable consideration was shown the prisoner. If he chose to stand mute and make no plea to the indictment, a plea of not guilty was entered in his behalf. Having no counsel and no means to employ them, and apparently wishing none, eminent lawyers were directed by the Court to defend him,—not gratuitously, but to be paid for their services out of the public treasury. Expert witnesses for his defence were subpoenaed and paid in the same way. It is the policy of the law that if he was innocent of the crime charged, the killing of the President wilfully, feloniously and from a deliberate and premeditated design, he should have the fullest opportunity to prove it to the satisfaction of the jury, and the expense of maintaining such defence would be borne by the people. Such is the magnanimity of our present administration of the law against indigent criminals.

After the entry of a plea of not guilty by Judge Lewis in behalf of Czolgosz, the District Attorney said that he intended to move the transmission of the indictment to the Supreme Court, and to serve notice for the trial at the criminal term for the following Monday, September 23rd, which was the beginning of the terms of the various

parts of the Supreme Court. To this Judge Lewis said that he knew of no reason why the defendant would not be ready.

The stolid demeanor of the prisoner in maintaining silence in court and refusing to answer the questions put to him,—his refusal to talk to his counsel, Judge Lewis, who had endeavored in the kindest manner to arouse in him some interest in his situation, and his refusal to say whether he was guilty or no, gave rise to the thought that he was possibly of distempered mind. But there seemed to be some method in his madness, for he conversed quite freely with the police officers who had him in charge, and rationally, too, so it was thought that he was shamming in court and when talked to by his counsel. Some eminent experts in diseases of the mind had examined him at the request of the District Attorney, and Judge Lewis asked the Court for an order, in case such a course was deemed advisable, for his examination by other experts in insanity, which order was duly allowed,—the District Attorney saying that he would grant counsel every favor that they desired in that way. The prisoner was then remanded to jail until Monday, September 23rd, when his trial would be moved. Other experts in diseases of the mind examined the prisoner and the unanimous conclusion arrived at by them after such examination was that he was sane. When arrested and taken to police headquarters he talked freely and voluntarily with District Attorney Penney and others, especially with James L. Quackenbush, a young lawyer of Buffalo, who was a member of the committee of reception that day, who stood opposite the President, and was a witness to the shooting. Mr. Quackenbush gave valuable testimony at the trial. He went with Mr. Penney to police headquarters, where Czolgosz has been taken, and heard his conversation and talked quite freely with him. In reply to the District Attorney, Czolgosz stated that he killed President McKinley because he believed it was his duty. He did not believe that one man should have so much service and another man should have none, and all the others regard it as a privilege to stand by and render services; that he understood the consequences and was willing to take his chances. He described in a conversation of about two hours, his early life, where he had lived, what he had worked at and what he had been doing just prior to the shooting. He illustrated with a handkerchief how he concealed the revolver in his hand and fired the shots. He had gone to Niagara Falls in the morning of that day, intending to kill the President there, but was not able to get near enough to him; he then returned to the exposition grounds,



intending to get near him there and shoot him. He arranged his revolver, covering it with his handkerchief in his right hand. He waited in the line until he was near the President and then fired. He said if he had not been seized and thrown to the ground he would have fired other shots. He stated that he had been thinking about killing the President for several days before that; that he had determined to kill the President at the first opportunity. He said he did not believe in governments; that he thought the President was a tyrant and should be removed; that he had for several years been studying the doctrines of anarchy; that he believed in no government, no marriage relation, and that he had been influenced by the teachings of Emma Goldman. Outside of the court room, or when his counsel was not present, he would talk in a natural and easy way with the guards who had him in charge. He made but the slightest reference to his crime. Once his guard told him that the President was much better, and to this he replied "I am glad."

On Monday, September 23rd, Czolgosz was brought into the criminal part of the Supreme Court which began its sitting that morning. The indictment had been transferred from the County Court in which it was found, to the Supreme Court. Some question was made as to the correctness of this procedure, inasmuch as the County Court could not try a man accused of a capital offense, and therefore, a grand jury of that court could not find a true bill against him. This point was not pressed, and it was conceded that the grand jury, being a jury of the county, might hear proofs and find an indictment and that indictment be tried in the Supreme Court for the county.

At the opening of court, Mr. Justice Truman C. White, presiding over the criminal term, asked if the District Attorney had any business for the court. Mr. Penney said that he desired to arraign the prisoner, Leon F. Czolgosz. He turned to the prisoner who stood before him, and said, "You are indicted and charged with having committed the crime of murder in the first degree. It is alleged that you, on the 6th day of September of this year, unlawfully shot and killed William McKinley, contrary to law,—how do you plead?" Czolgosz hesitated a moment and then in a low voice, scarcely audible, said, "Guilty." Judge White asked what he had said. Mr. Penney replied, "He pleads guilty." "That plea cannot be accepted in this court," said Judge White. "The clerk will enter a plea of not guilty and we will proceed with the trial." The District Attorney then stated that the defendant had previously appeared in the County

Court and at that time Judge Emery had assigned as his counsel Judge Loran L. Lewis, Judge Robert C. Titus and his associate, Mr. Carlton E. Ladd, to attend to the case and ascertain the rights that this man had, and to put in such defence as they deemed best, and asked the judge to confirm that assignment. Judge Titus then said:

"If the Court please, it has been thought best by my distinguished associate and myself, and my young friend, that something should be said, not in the way of apology, but as a reason why we are here in defense of this defendant. At the time we were assigned I was out of the city, and neither of my associates was consulted about the assignment. I at first declined absolutely to take part in the defense of the case, but subsequently, it was made to appear to Judge Lewis and myself that it was a duty which we owed alike to our profession, to the public and to the Court, that we accept this assignment, unpleasant though the task is for us, and we, therefore, appear in accordance with that assignment to see that this defendant, if he is guilty, is convicted only by such evidence as the law of the land requires in a case of this character, and that in the trial of this case the forms of law shall be observed in every particular and that no act or no bit of evidence shall be introduced here upon the trial of this case and accepted against this defendant unless it is such as would be introduced and accepted upon the trial of the meanest criminal in the smallest case."

Justice White immediately replied as follows:

"It certainly accords with the views of this Court that gentlemen like yourselves should have been appointed by the County Court to defend this prisoner. It gives to the public and the Court and those engaged in the administration of the law absolute assurance that the prisoner will receive fair treatment during the progress of this trial, and that he will meet with such justice as the law demands in his behalf, as he is assured by the fundamental law of the land. The plea of guilty, which has been entertained by the prisoner, indicates, as the Court looks upon it, that he himself anticipates no escape from the penalty which the law prescribes. Of course, that plea cannot be accepted, and the progress of the trial should be the same in my judgment as though he himself had entered a plea of not guilty. I am sure you gentlemen will protect him to the same extent that you would if you were retained for a munificent compensation to do the duty which you are undertaking to do now. Some question has been raised, and discussed in the public print, at any rate, as to the jurisdiction of the County Court to appoint you gentlemen. It is my

pleasure not only to confirm, but, if it should be deemed necessary, appoint and designate you gentlemen to the task which you have set out to perform."

In this way the record was made complete, and the defendant's rights safe-guarded as if he had himself employed counsel to defend him. Twelve jurors were then called from the panel summoned to attend the term. The examination and acceptance of the jurors in this case is a worthy example to be followed. Too often many hours and sometimes days are consumed in an effort to secure jurymen who are unfamiliar with daily events and are generally defective in understanding, in order that, through their ignorance or stupidity, a prisoner may find escape from the consequences of his crime.

A jury satisfactory to both sides was secured in about two hours and a half. Each juror frankly stated on his examination that he had formed an opinion of the guilt or innocence of the accused, but that such opinion would yield to evidence and would not prevent his giving a true verdict upon the evidence introduced.

After a brief statement of the facts to be proved to support the indictment, by Assistant District Attorney Frederick Haller, the examination of witnesses for the people was begun by Mr. Penney. The order of proof was well arranged and after showing the *locus in quo*, the testimony of the medical men attending the President was given, showing the nature of the wound; the operation performed; the subsequent treatment of the case and the death of the President as the result of the pistol shot. The cross-examination of the witnesses for the people by defendant's counsel was sharp and searching. It was in no sense perfunctory. Counsel endeavored to elicit all the facts in relation to the condition of the President's wound and its treatment. Much of the testimony was technical and abstruse; but, when put into plain English, pointed to but one conclusion,—that the President died from the effects of the pistol wound inflicted by the defendant. Other witnesses were sworn who saw Czolgosz fire the pistol that inflicted the fatal wound; others testified to his admissions, made voluntary and not under compulsion, threats or inducements, that it was he who shot the President; that he did it intentionally and had contemplated the deed for some time previous. Thus the case of the people was complete and the prosecution rested. The case was then in the hands of the counsel for the defense. Judge Lewis first asked Czolgosz if he would take the stand, but he refused, and he then stated to the court that the defendant had no witnesses that he would call, so that the testimony was closed at the close of the people's case.

Judge Lewis then addressed the jury. It was the first time in twenty years that the venerable judge had stood in the place of an advocate addressing a jury. His snow white hair, erect figure and calm, deliberate manner were most impressive. Everyone knew that the duty devolved upon him was most distasteful, yet he performed that duty most nobly and well. He spoke touchingly of the great calamity which had befallen the country, at the hands of his client. His eulogy of President McKinley was most fittingly spoken and in perfect harmony with his argument in favor of the acquittal of his assassin. There was no doubt, he admitted, of the killing of the President by Czolgosz. The question and only question to be discussed was whether the act of shooting was that of a sane man. If it was, then the defendant was guilty of murder and must suffer the penalty of the law. If he was insane then he should be acquitted of the charge of murder and confined in a lunatic asylum. He submitted the question of the defendant's sanity to the jury in these words:

"The law presumes that this man is innocent of the crime, and we start, in investigating this case, with the assumption that for some reason or other he is not responsible for the act which he performed on that day. That is one of the merciful provisions of the law of this civilized State, and it is a provision of law which you must consider and which you must permit to influence your minds until you are satisfied by the evidence in the case that that doubt has been removed.

"Now, gentlemen, we have not been able to present any evidence upon our part. The defendant has even refused on almost every occasion to even talk with his counsel; he has not aided us; so that we have come here, under, as I said to you, the designation of the Court, to do what we can to determine this important question which is to be submitted to you.

"All that I can say, to aid you, is that every human being—yes, nearly, certainly every human being—has a strong desire to live. Death is a spectre that we all dislike to meet, and here is this defendant, without having any animosity against our President, without any motive, so far as we can see—personal motive—we find him going into this building, in the presence of these hundreds of people, and committing an act which, if he was sane, must cause his death.

"Now, could a man with a sane mind perform such an act? Of course, the rabble in the street would say, no matter whether he is insane or sane, he deserves to be killed at once; but the law says, no;

the law says, consider all the circumstances and see whether the man was in his right mind or not. But one may say, 'Why, it is better that he should be convicted, as a terror to others.' That may be so in some regard, but, gentlemen of the jury, if it could be, if it can be, that you find this defendant was not responsible for the crime, for this act, you would aid in uplifting a great cloud off from the hearts and minds of the people of this country and of the world. If our beloved President had met with a railroad accident coming here to our city and had been killed, we should all regret very much, we should mourn over the loss of such a just man, but our grief would not begin to compare with the grief that we have now, that he should be stricken down by an assassin, if such were the case. That adds poignancy to our grief—it does in my case, to a very large extent. But if you could find that he met his fate by the act of an insane man, it would amount to the same as though he met it accidentally, by some accident, and passed away under such circumstances..”

The point was most happily taken that if the assassination was by the hand of an irresponsible man it would afford great relief to the country and the world to know that it was not the result of a conspiracy of evil disposed men, without respect for law or life or station, who in the future might, in their contempt for law, repeat the crime of September 6th, upon the life of the next President or some other ruler of a nation.

Judge Titus simply said that Judge Lewis had so completely covered the ground and had so fully anticipated his own thought that he would not attempt to add anything further.

District Attorney Penney then briefly addressed the jury in behalf of the people. His argument was simple and to the point. It was that, the shooting being conceded, and no proof of insanity having been given, the law would presume the prisoner to be sane unless evidence was given of his insanity,—so that there was but one verdict possible.

Judge White then gave his charge to the jury, with eminent fairness and a perceptible effort to allow no sensationalism, no consideration of the high character of the victim of the murderous attack, to affect the minds of the jury in their consideration of the case.

The jury retired at ten minutes before four o'clock in the afternoon and returned to the court room to render their verdict at twenty-four minutes after four.

While no one doubted that the jury could come to but one conclusion and that conclusion a verdict of guilty of murder in the first de-

gree, yet the most intense, though suppressed, excitement pervaded the entire audience. The few minutes that the jury were out seemed to be hours to many who were waiting for the verdict. At last the jury were announced and they filed into the court room, and the foreman delivered its verdict: "Guilty of murder in the first degree as charged in the indictment."

The Court announced that the time of sentence would be fixed for the following Thursday at two o'clock in the afternoon.

The announcement of the verdict of the jury seemed to have but little effect upon Czolgosz' demeanor. He was as stolid and as impassive as ever. The verdict which thrilled all others seemed to produce no sensation in him, to whom it meant death. It has been said that one of the principles of Anarchists is to feel nothing if defeated in their plans: if death is their fate, to bear it like stoics; to say nothing when called upon to plead in court, thus showing their contempt for law; but when brought before the court for the sentence of death, then to speak from their hearts in defense of anarchy and in condemnation of government, law, order, religion, domestic ties and all that good citizens hold dear and sacred as the foundations of civil and domestic happiness. But Czolgosz did not speak. It was thought on one or two occasions that he would deliver himself of some speech, but he always failed. In fact he could not: he was incapable of any great thought: he possessed enough spite against those above him to do them injury, but, as his words to his guards showed, his ideas were of the narrowest range.

The world may well dismiss Czolgosz as in no sense the exponent of, but rather a sporadic product of Socialism and Anarchy, and simply regard him as a soft creature, not deranged, but acting under an evil impulse, fully conscious of what he was doing and what the consequences would be.

After the verdict was rendered, the prisoner was removed to prison to await his sentence. All that his able counsel could honorably do in his defense had been done. True, they might have delayed the trial for some months, on the plea that having just come into the case they required more time, and until the next term of Court, to prepare their defense. At the next term it would not be out of the usual order for a further continuance to be granted, putting the case over another term, and, upon one pretext or another, the trial of the case could be postponed for one or two years, and in case of an appeal to the Appellate Division, and from there to the Court of Appeals, three years might easily elapse before the final

trial, or disposition of the case. In that interval who can tell what might not happen to render the conviction of the prisoner impossible or of no salutary effect?

It is unquestionable that the speedy trial, conviction and execution of Czolgosz for the crime charged against him, will have a more potent effect and a more deterrent influence upon others of his class,—Anarchists, Socialists,—what you will, than whole libraries of theory for the suppression of Anarchy and Socialism. It is universally considered that the whole proceedings from the arrest of Czolgosz to his execution were conducted with the utmost dignity, order and decency. There was ample time to prepare for the trial on both sides, and yet but ten days elapsed between the death of the President at the hands of Czolgosz, and his conviction after two days' trial,—a record most unusual and remarkable, and reflecting great credit upon the Court, the District Attorney and the prisoner's counsel. On Thursday, September 26th, the condemned man was brought before Judge White to receive his final sentence. He placed his hand upon the Bible and was sworn to make true answers to such questions as should be put to him. He stated that he was born at Detroit, Michigan, twenty-eight years ago, and had attended small common schools, the Catholic Church school some; that he used to go to the Catholic Church. When asked by the clerk if he had any legal cause to show why sentence of the Court should not now be pronounced, he said he did not understand. District Attorney Penney then repeated the question to him, and he faintly muttered, "Yes." Judge White explained to him that what he had a right to say related explicitly to the subject in hand here at this time, and the legal causes which the law provides he might claim in exempting himself from having judgment pronounced at this time, were defined by statute. These were that he was insane; that he had good cause to offer either in arrest of the judgment about to be pronounced, or for a new trial. To this Czolgosz answered: "I have nothing to say about that." "Nothing to say?" asked Judge White. Then his counsel, Judge Titus, asked him what he wanted to say. In a low tone he said: "My family, they had nothing to do with it. I was alone and had no one else. No one else but me." He spoke in a mumbling way, quite indistinct. His words were repeated to the Court by both Mr. Penney and Judge Titus. The Court asked Judge Titus if he had anything to say in behalf of the defendant at this time, to which he replied: "I have nothing to say within the definition your honor has read, as to what

we can say, but it seemed to me that in order that innocent people should not suffer by this defendant's crime, the Court should allow him to exculpate at least his father, brother and sisters."

"Certainly, if that is the object of any statement that he will make," said Judge White.

"That is what he tells us," said his counsel.

Again Judge White directed Czolgosz to proceed with his statement. He said: "I would like to say this much, that the crime was committed by no one else but me. No one told me to do it and I never told anybody to do it." "Your father and mother had nothing to do with it?" asked Judge Titus. "No, sir. Not only my father and mother, but there hasn't anybody else had nothing to do with this. \* \* \* They didn't know anything about it. I never told anything to nobody; I never thought of that until a couple of days before I committed the crime." This was all the statement that Czolgosz made in court, which was literally wrung from him by the questions of Court, counsel and prosecuting officer.

Judge White then imposed the sentence of the Court upon Czolgosz: "That, in the week beginning on October 28th, 1901, at the place, in the manner and by the means prescribed by law, you suffer the punishment of death." How that punishment is inflicted, has already been shown.

This was the end of the trial of Leon F. Czolgosz, for the assassination of the President of the United States. The prisoner's counsel realized that the trial had been fair, impartial and without reversible error. They made no motion for a new trial or in arrest of judgment. None of the legal devices for putting off the day of execution were resorted to, for, as good lawyers, they knew there was no proper ground for it, and as men of large common sense, they would not resort to a hopeless attempt, solely for the purpose of delay.

The prisoner was soon removed to Auburn State Prison, where, on the morning of October 28th, 1901, he was placed in the electric chair, and died the death to which his wicked, wanton act condemned him.

*LeRoy Parker.*

NOTE. The bills of expense incurred by Erie County, in the trial and conviction of Czolgosz, were but \$1799.50. The attorneys for the defence were paid \$350.00 each; the alienists who examined the prisoner received \$1,000.00, as follows: Dr. Carlos F. McDonald, \$300.00; Dr. Allen McLane Hamilton, \$100.00; Dr. Joseph Fowler, \$200.00; Dr. Floyd S. Crego, \$200.00; Dr. James W. Putnam, \$200.00. The other expenses were for guarding and transporting the prisoner to Auburn State Prison for execution, and some incidentals.